



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,472	01/28/2000	James P. Mitchell	00CR063/KE	2281

7590 03/12/2007
Kyle Epele
ROCKWELL COLLINS INC
ATTN: Kyle Epele
400 Collins Road N.E.
Cedar Rapids, IA 52498

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/493,472	Applicant(s) MITCHELL, JAMES P.	
	Examiner Christopher M. Lambrecht	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

Claims 1-30 are pending in this application. The previous Office action, mailed July 27, 2006, rejected claims 1-30 under 35 U.S.C. 103(a) as being unpatentable over Conrad et al. (Conrad), U.S. Patent No. 6,810,527, in view of Podowski et al. (Podowski), U.S. Patent No. 5,524,272.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 27, 2006 has been entered.

Response to Amendment

The declaration filed on September 27, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Conrad reference. Conrad, a U.S. Patent, is available as prior art under 35 USC 102(e) and has an effective filing date of September 27, 1999. Thus, the date to be overcome is September 27, 1999.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date

of the Conrad reference. Referring to page 1, item 4, the Inventor refers to two attachments, Exhibits A and B, as evidence that he “conceived and actually reduced to practice in the United States the ideas set forth in Claims 1-30” of the present application. Initially, the Examiner notes that whether these exhibits evidence the inventor’s conception, and actual reduction to practice, of the claimed subject matter in the United States prior to September 27, 1999 is a conclusion that must be supported by a showing of facts. At page 2, item 7 the inventor alleges that Exhibit B “outlines the demonstration of” the communication system described and claimed in the present application; the system was “demonstrated operational”; the demonstration was confidential and witnessed by several people; and Exhibit B was in existence prior to the effective date of the reference. The evidence fails to establish that (1) the demonstration outlined in Exhibit B was conducted in this country or a NAFTA or WTO member country, (2) the demonstrated system outlined in Exhibit B corresponds to the claimed invention, and (3) the intended purpose of the claimed invention corresponds to what was “demonstrated operational” in Exhibit B.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Conrad reference. At item 5 of the declaration, the inventor alleges that Exhibit A is a redacted copy of pages from a document describing a communication system. The inventor states at item 6 of the declaration where Exhibit A shows elements of the claimed invention. Further, the inventor alleges that Exhibit A was in existence prior to September 27, 1999. The evidence fails to establish that the content

of Exhibit A is the work of the Inventor and whether this work occurred in this country or a NAFTA or WTO member country.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Conrad reference to either a constructive reduction to practice or an actual reduction to practice. The declaration and the attached exhibits include neither a showing of diligence nor an explanation of its absence.

Accordingly, the declaration fails to establish invention of the claimed subject matter prior to the effective date of the Conrad reference.

Response to Arguments

Applicant's arguments filed September 27, 2006 have been fully considered but they are not persuasive. As discussed above, the declaration under 37 CFR 1.131 is ineffective to overcome the Conrad reference. Conrad, therefore, is not disqualified as prior art, and the rejections based on this reference are maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad (of record) in view of Podowski (of record).

Regarding claims 1, 12, 13, and 17, Conrad discloses a communication system (fig. 1) for a mobile platform [50, 53], the mobile platform being stationary at a docking area (terminal, col. 5, ll. 14-18 and col. 9, ll. 50-55), the communication system comprising:

- a satellite receiver [208] (fig. 3) on the mobile platform [50, 53] (col. 8, ll. 61-67);
- a wireless docking area transceiver [203] (fig. 3) (col. 9, ll. 50-55);
- a wireless platform transceiver [228] (fig. 3) (col. 9, ll. 50-55);
- a wireless platform transceiver [228] on the mobile platform [50, 53] receiving order wire data (col. 6, ll. 30-41 and col. 7, ll. 5-14) and video data (col. 8, ll. 40-49) from the wireless docking area transceiver while the mobile platform is at the docking area (col. 5, ll. 14-18); and

- a storage unit [220] (fig. 3), the storage unit being located on the mobile platform (col. 8, ll. 61-64), the wireless docking area transceiver [203] providing the video data and the order wire data (col. 7, ll. 5-14) to the wireless platform transceiver [228] while the mobile platform is at the docking area (col. 9, ll. 50-55), wherein the storage unit stores the video data for playback in the mobile platform and the storage unit storing the order wire data (col. 11, ll. 41-45), the order wire data controls a source of video playback of a program being either video data in the storage unit or the satellite receiver, or both the storage unit and the satellite receiver (col. 11, l. 64 - col. 12, l. 15). Thus,

Conrad teaches that the docking area receives the order wire and video data from a distribution center, and communicates said data to the mobile platform while said mobile platform is at the docking area. Conrad fails, however, to disclose the docking area receives said data via a satellite receiver, and stores it in a storage unit of a server located in the docking area.

In analogous art, Podowski discloses a docking area [terminal] for a mobile platform [aircraft] (see fig. 1) at which various entertainment and control data are communicated from a distribution center to said mobile platform (see cols. 2-3). Located in the docking area is a server, [41] (fig. 4; col. 3, ll. 40-45) comprising a satellite receiver [42] and a storage unit [44] (fig. 4) for storing video data and other data received by the satellite receiver [42] (col. 5, ll. 5-35) and subsequently relaying said data to the mobile platform while the mobile platform is at the docking area (col. 6, ll. 22-38). In response to information transmitted therewith, the server buffers information packages provided by the distribution center until said information is to be transferred to its respective mobile platform (col. 5, ll. 40-53), thereby simplifying the distribution process as experienced by the distribution center (col. 3, ll. 54-63).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the docking area of Conrad to include a server comprising a satellite receiver and a storage unit, as taught by Podowski, said server being configured to store order wire data and video data received by the satellite receiver

in the storage unit in response to the order wire data, thereby simplifying the distribution of said data by the distribution system.

As to claims 2, 9, 10, 11, 15, 18, 22, and 25-27, Conrad and Podowski together disclose the communication system of claims 1, 13, and 17. In addition, Conrad discloses the video data includes (and the order wire data schedules) Internet data (col. 9, ll. 39-46), safety message data, advertisement data, or entertainment data (col. 15, ll. 9-40).

As to claims 3, 6, 14, and 19, Conrad and Podowski together disclose the communication system of claims 1, 13, and 17. In addition, Conrad discloses the mobile platform is an airplane [50, 53].

As to claims 4 and 20, Conrad and Podowski together disclose the communication system of claims 1, 13, and 17. In addition, Conrad discloses the wireless docking transceiver is a short-range transceiver (col. 5, ll. 32-38).

As to claim 5, Conrad and Podowski together disclose the communication system of claim 1. In addition, Conrad discloses the wireless platform transceiver is a radio frequency short range transceiver (microwave link, col. 5, ll. 32-38).

As to claims 7 and 23, Conrad and Podowski together disclose the communication system of claims 1 and 17. In addition, Conrad discloses the mobile platform is a boat (col. 17, ll. 43-54).

Regarding claims 8 and 24, Conrad and Podowski together disclose a communication system and method according to claims 1 and 17, respectively, but fail to explicitly disclose the mobile platform is a road vehicle.

Official notice is taken of the fact that it is well known in the art to incorporate passenger entertainment systems in road vehicles (*e.g.*, buses), for the purpose of providing passengers with video entertainment and other interactive services.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system and method of Conrad and Podowski in a road vehicle, for the purpose of providing enhanced interactive entertainment services to the passengers.

Regarding claims 16, 21, and 30, Conrad and Podowski together disclose the communication system of claims 13 and 17. In addition, Conrad discloses the wireless platform transceiver transmits mobile platform operational data to the wireless docking area transceiver (col. 10, ll. 25-33).

Regarding claim 28, Conrad and Podowski together disclose the communication system of claim 21. In addition, Conrad discloses the control information (col. 10, ll. 25-33) includes identity information (where TCP/IP communication protocol is employed, col. 10, ll. 10-20, communications between the mobile platform and the airport wireless link inherently comprise identity information).

Regarding claim 29, Conrad and Podowski together disclose the communication system of claim 28. In addition, Conrad discloses the control information (col. 10, ll. 25-33) includes destination information (where TCP/IP communication protocol is employed, col. 10, ll. 10-20, communications between the mobile platform and the airport wireless link inherently comprise destination, *i.e.*, address information).

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht
Examiner
Art Unit 2623

cml



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600